

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MADHU JAIN,

Plaintiff,

v.

CAPE ANN WHALE WATCH, INC.,

Defendant.

CIVIL ACTION NO. 05-11267-MEL

PLAINTIFF'S PROPOSED EVIDENCE UNDER RULE 26

(Plaintiff expects to present all documents)

The testimony of Dr. Lhowe and Alice Berg, Lisa Bodner and Jonathan Bodner is expected to be presented by means of stenographic depositions.

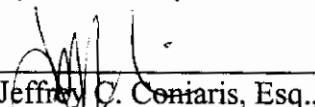
1. Photographs of Gangplank and Hurricane II and Dock and photos taken by Alice Berg (also including those used in depositions, those taken shortly after incident and those taken at inspection),
2. Werner Catalog (excerpt) showing the scaffolding used as gangway,
3. Jain X-rays and notes taken 8/19/04, 11/10/05 and 12/2/05 including those taken at Beverly Hospital and Addison Gilbert Hospital and by Dr. Data and affixed to his report,
4. Madhu Jain's tax return and diploma,
5. Addison Gilbert hospital record service dates 8/19/04-8/23/04,
6. Beverly Hospital record service dates 8/19/04,
7. Northeast Hospital Corporation bill for service dates 8/19/04-8/23/04 in amount of \$10,086.30,
8. Gloucester Fire Department accident report,
9. Deposition transcripts of the depositions of Lisa Bodner, Alice Berg and Jonathan Bodner addresses as set out in depositions (telephone numbers not presently available),
10. Hurricane II log,

11. Gloucester Gazette, August 18, 2004,
12. Hurricane II incident report,
13. Medical Report of Dr. V Datta,
14. Medical Report of Dr. David Lohwe,
15. Hurricane II passenger's names list,
16. Defendant's Responses to Requests for Admissions and Defendant's Interrogatory Answers and all materials provided in response to Plaintiff's Requests for Documents,
17. Color Brochure put out by defendant,
18. Cape Ann web sight animated tour of ship and all other contents,
19. All certified letters to Defendant,
20. Reports of John Culver and Robert Holt,
21. If any deposed witness is unavailable, deposition testimony thereof.
22. The information in the appended document entitled "Plaintiff's Supplemental Response to Defendants First Interrogatories" identifying witnesses is incorporated by reference into this document.

CERTIFICATE OF SERVICE: By my signature below, I, hereby certify that on the date set forth below, I have filed this document with Michael Rauworth by hand delivery.

MAHDU JAIN

By her attorney,


Jeffrey C. Coniaris, Esq., BBO# 555907

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